App F IX 1

Previous References (1941 M L)

File No 135-41

Serial Nos 8, 15, 16

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for April 42

SUBJECT

Resolution of Mysore Legislative Council - Memorial addressed to the Viceroy President

To,

The President, Legislative Council of Mysore

L 10064/21 4 42

Regarding the proposal re the —

M L 4 42

Resolution Mysore Corp Mtl Cl - More Powers to the Vice Pdt

General and Revenue Secretariat | 96 File No 135 of 1941 | [App F III-2

Serial No 8

No GV 18884 dt 17-2-42 from the Pdt, City Mtl Cl Mysore forwards the Resolution of the Council that the Vice Pdt be invested with all powers of the Council under Certain Depts & that the said powers be withdrawn from the Pdt.

The other Resolutions referred to have been sanctioned separately.

It is not clear how the Mtl Cl have brought up the Resolution under Section 38 Section 24 (2) read with Section 233 et seq & 243 of the C.M. Act and the proviso to the very Section 38 clearly show that the Resolution is ultra vires

Sometimes, it looks that although the Resolutions of the Council are not characterised by any sound interpretation of law as it stands the Resolutions appear to betray a sweeping haste

The Law Section may be consulted

By Section 26 of the Mysore 27/42 City Municipal Act 1933 lays down the functions of Vice-President of a City Mtl Council & he can exercise only such of the powers and perform such of the duties of the President as the President from time to time

NOTE—Cont Sheet

WD C41 5—GPB—5 000—23 10 41

Resolution of Mysore City Dist Cl — Powers to Vice Pres

File No 1 of 194 | General and Revenue Secretariat

Serial No

depts in this behalf in accordance with the general or special orders of Govt

Rule 7 (a) of the rules & chapter IV - Bye laws & rules - Municipal Mfg — further clarify the position of the vice President

The present amendment seeks to take away the powers of the President in respect of certain Depts of the Mfg and make the vice President solely responsible for these Depts. It will be seen therefore that most of them are revenue-cum departments of the Mfg and unless under the Act the rules & bylaws, the President is willing to delegate these powers & place them in charge of these departments, Govt cannot interfere in the matter. The resolution being ultra vires has to be disallowed

DEWAN'S OFFICE 0 4 9 1942 No 7781

SECY LAW DEPT 1688 24 3 42 GOVT OF MYSORE

Secy Law Dept

5 The resolution is ultra vires and may be disallowed

Minister LSG

Hon 2 26 2 42

6) Secy for

7) For kind perusal Dewan

Hon 9 3 42

8 Please let me see the draft order & reply

Hon 10/3/42 Hon 12/3/42

GOVT OF MYSORE FOLSCAPH Dt 3 3 1942 No 5-221

Resolution Mysore city Mcl re- Move Powers to the Vice President.

5030 p 41

General and Revenue Secretariat — Mcl — File No 135 — 4792 F of 1941-42 — [App F III-2

Serial No 10

Sorter with a draft letter for appl

Wlls 13/3 It The President has since left Sir 13/3 the detailed discussions on the resolution the trend of the discussion shows that the spirit of provisions of sections 26 & 73 of the city Mills Act are completely ignored In summing up the debate, the mover of the resolution has stated that the President with many extra duties to perform might be relieved of the Mcl duties to some extent But this spirit is not reflected in the resolution which is almost mandatory in tone If the President finds the work heavy, he would if he thinks fit, delegate his functions to the vice President and the Mcl he can only request him to give some powers to the vice President The ways in which the Mcl should have set themselves to act does not lead to the smooth working of municipal affairs

12-8 dft reply is put up It may perhaps be scrutinized by the Law section also

Yes Verycool

Lawley 1/3/42

EOY L DEPT 2198 GOVT OF MYSORE

Legal opinion file

NO [illegible]

NOTE-Copy sheet

By 16-3-42

13/3 Asst Secy Law WC 16/3/42

WD 141 —GPB— 000—23 10 41

Hon 2 14-3-42 Law

File No | of 194 | General and Revenue Secretariat

Serial No

14 No doubt, the Resolution in Question is ultra vires, but I submit that it is not ultra vires for the reasons given in the draft The draft need correction

15 The interpretation of Sec 26 & Sec 38 of the Act put in the Draft does not seem to me to be Correct

16 Under Sec 26, the Vice President can exercise such of the powers of the President as the President from time to time may depute to him in accordance with the general or special orders of Govt But Sec 26 does not preclude the Municipal Council from exercising the powers vested in it under Sec 38 of the Act Under Sec 38 the Municipal Council has the right to delegate any of its powers, or duties or executive functions to the President, or to the Vice President, but this can be done by the Municipal Council only after it has passed rules in this behalf Sec 38 is wider in its operation than Sec 26 Suppose the President has been given some powers & duties by the Municipal Council under Sec 38 of the Act by the Municipal Council, & if the President finds difficulty in exercising some of these powers, he may

Serial No

he may under Sec 26 depute the V P to exercise their powers So it cannot be interpreted that the Vice Presidents' duties are determined only under Sec 26 It must be remembered that in Sec 26 (1) 2nd line ~~the~~ the word "only" is not found after the word 'exercise' If such a word was found then Sec 38 would be meaningless Here Sec 38 is a wider Section than Sec 26, + Sec 26 does not entail any of the powers vested in the Municipal Council under Sec 38

17 No doubt under Sec 38 of the Act, the Municipal Council has the right to delegate any of its powers or duties either to the President or to the Vice-President but then, the Council can only do "in accordance with rules to be made by the Municipal Council in this behalf" It therefore follows that the Municipal Council will first have to frame rules in this behalf + thereafter delegate any of its powers either to the President or the Vice President This restriction is deliberately imposed by the legislature so that they cannot arbitrarily as they have now done, exercise their powers

NOTE—Cont Sheet

WD 641 —GPL— 000— 3 10 41

File No 4792/1 of 194

General and Revenue Secretariat

Serial No

under Sec 38 of the Act under Sec 49 the Municipal Council is given power to make Rules not inconsistent with the Act or the Rules framed by Govt under Sec 228, & these Rules become operative only after the sanction of Govt has been obtained thereto. Thus Sec 49 of the Act has a check on Sec 38.

1V B

Of such of the powers which are vested in the Municipal Council under the Statute can be delegated under Sec 38 of the Act & not otherwise

3
19/3/42

1) As the Municipal Council in passing the Resolution in question have not followed the procedure noted above, I hold that the said Resolution is ultra vires

2) A draft on the above lines might be put up

Law Secretary 3
19/3/42

2) ~~Section~~ S 26 of the Act 1933 and Rules 7 & 8 of the Rules and Bye-laws of the Mysore Corporation govern the delegation of the powers from the President to the Vice President. The present resolution is ultra vires of the Act and the existing Rules and is thus vetoed

S 38 has no manner of bearing on this

A draft on these lines may be put up

Hm
2
19 3 42

Mr KKS Iyengar

Jr 3

Resolution-Mysore Legislative Council-Motor Powers

5130241 47920 5158 to the Vice Pres

General and Revenue Secretariat — Dept 2 — File No 135 of 1941 — [App F III-2

Serial No.	
1)	Submitted with a draft letter for approval Law Secy) 19/3/42
2)	for perusal Dewan) 21/3/42
3)	The resolution is of course ultra vires – but the Council have not approached the Govt for sanction and the draft does not indicate under which provision of law approval is to be withheld – Law Secy may please speak to me 26/3/42
4)	The draft is submitted Minister) 2/4/42 Dewan) 3/4/42 8/4/42
	11/4/42
	To, The President, Legislative Council L 10064/21 4 42 Regarding the proposal 11/4/42

GOVT OF MYSORE — SECY'L DEPT — 2393 — 20 MAR 1942

DEWAN'S OFFICE — 24 MAR 1942 — No 8222

The copy sent to the City Police Asst 1933

OFFICE OF THE INSPR GENL OF POLICE & PRISONS — Dat 4-4-1942 — No 6103

TYPING SECTION — 11 APR 1942 — SECRETARIAT

NOTE—Cont Sheet 22/4

WD 14156—GIB—65 000—23-10-41

File No of 194

General and Revenue Secretariat

Serial No

DU 135-41-8

4792/2

OFFICE OF EP ENT
CYM Co MYO

No Q T/1884
Ec 1

Dated 14th February 1942

GEN & SECR T ?
18 FEB 1942
L S

From B S Raghavendra Rao, Esq , M A (Hons)
~~M. NAVANEETHAM NAIDU, ESQ., B.A., B.L.,~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To
SECY LAW DEPT
13 FEB 1942
BANGALORE

H V Narayana Rao, Esq , B A ,LL B ,
Secretary to Government, Law Department, Bangalore

Sir,

I have the honour to forward herewith a copy of the resolution No ~~511~~ 528 Ba passed by the Municipal Council at their meeting held on ~~26th~~ 4th Ba February 1942

It was pointed out to the Council that the resolution as it stood was ultra vires of the Act and the Bye-laws and that it ordinarily should have been disallowed, but that in view of the fact that the resolution itself might be suitably altered at the discussion stage or the Council might like to place its views before Government, the same had been admitted

The mover and the other supporters of the resolution did not accept even the above position I am separately sending for the information of Government the discussions on this subject

It was also explained to the Council that if any powers had to be delegated to the Vice-President, rules had to be framed under Section 49(b)(i) and that the delegation could not be made merely by virtue of a resolution This view also was not accepted and the above resolution has been passed

I may add in this connection that separate resolutions noted in the margin, were also brought up and passed, independent of this resolution, proposing necessary amendments to the Bye-laws

Resolutions ~~528~~ Ba, 534, 535, 537) }
539 and 540) }

Early orders of the Government are solicited

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

KSR

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Wednesday the 4th February 1942, at 4 p m.

PRESENT

1 B S Raghavendra Rao Esq M A (Hons) *President*
2 P St mah Esq B A B L *Vice President*
3 A K ishna Mu ty Esq
4 S Li gan a Esq
5 U L Ramach nd a Rao Esq
6 Chowdiah Esq
7 M K Linganna Esq B A LL B
8 M C Mallappa Esq
9 T Narasimha Iyengar Esq B A B L
10 A N Suryanarayana Rao Esq
11 Aga am Rangiah Esq
12 B Narayan swamy Esq B A B I
13 T Mariappa Esq B A LL B
14 M V Venkataramiah Esq
15 M S Na jappa Esq
16 G R Rangaswamiah Esq
17 E P Nanjappa Esq
18 G Jan rdan Naidu Esq
19 Patnam Sreenivasasetty Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 B L Maridandiah Esq
23 F C Devaraja Urs Esq

ABSENT

24 C S Dixit Esq B A LL B
25 N Rajagopala Iyengar Esq B A B L
26 Mrs B Kameswaramma B A
27 Dr A J Ram L M & S
28 M R C Basappa Esq
29 Mahomed Khalilulla Esq M A LL B
30 Haji Mir Amiruddin Khuraishi Esq
31 S A Kareem Esq

XXX XXX XXX

528 II Resolved that under Section 38 of the Municipal Act, the Vice-President be invested with all the powers, duties and executive functions of this Council in respect of the following departments namely

1 Water-Revenue
2 Markets
3 Hackney Carriage
4 Sewage Farm
5 Town Hall
6 Filing of suits

and the powers of the President delegated to this extent be withdrawn

Proposed by Mr T Mariappa
Seconded by Mr B Narayanaswamy

CARRIED

XXX "COPY" XXX

PRESIDENT

Sd B S Raghavendra Rao, XXX
PRESIDENT

KSR

G T No 3 E 1 5158/1

OFFICE OF THE P[illegible] DEN
CITY MUNICIPAL COUNCIL, MYSORE

Encl: —

No T 35 Dated 17th February 194 2

From
B S Raghavendra Rao, Esq , M A , (Hons)
~~M NAVANEETHAM NAIDU Esq B A B L~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To
V Narayana Rao Esq B A , LL B ,
Secretary to the Government of Mysore,
Law Department,
Bangalore

SECY LAW DEPT 17 FEB 1942 GOVT OF MYSORE

Sir

In continuation of this office letter No G T 1884 dated 17th February 1942 re Resolution 528 of the Municipal Council, I have the honour to forward herewith, for the information of Government the discussions on the subject They have not yet been confirmed by the Speakers

I have the honour to be,
Sir,
Your most obedient servant,
B Raghavendra Rao
~~PRESIDENT~~ 28/2

NRS

Subject The Previous reference has been submitted to the Dewan on 3/3/42, in Diary No. being 4772.

WLS 10/3

The discussion is embodying as was arranged at the time of receipt of the Resolutions, the motive behind the Council is to make it one work a non official Resolution though not in name but in fact

For perusal

Law Secy 10/3/42

This may be perhaps will do file the which the Dewan may be pleased to direct that the draft may be sent to the Mysore Govt for their views

10/3/42

10/3. SECY LAW DEPT 10 MAR 2079 2 GOVT OF MYSORE

Draft discussions at the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held on the 4th February 1942

Subject No 528

"Resolved that under Section 38 of the Municipal Act, the Vice-President be invested with all the powers duties and executive functions of this Council in respect of the following departments namely -

1 Water-Revenue
2 Markets
3 Hackney Carriage
4 Sewage Farm
5 Town Hall
6 Filing of suits

and the powers of the President to this extent be withdrawn

The President said that it appeared to him that the resolution stood it was ultra vires of the Act and Bye-laws but he admitted it because the Council could amend it so as to bring it within the scope of the existing act and bye-laws He stated that under Section 38, the duties or executive functions of the Council may be delegated to the President or Vice-President and that in accordance with the rules to be made (separately) by the Municipal Council and explained that such rules could be made by the Council only under Section 49 which prescribes the procedure for making rules and he drew attention of the house to proviso (i) to Section 49 which stated that 'no rule made or any alteration or recission of a rule made by a Municipal Council under this Section shall have effect unless and until it has been approved by Government "

The President therefore suggested that since resolutions 528, 534 and 541 were of a similar nature viz , suggesting alterations to the existing rules, these three could be taken up together

Mr Mariappa said that resolution No 528 may first be taken up and disposed off as it would make the position clear for discussion of the other subjects

The President said that the existing rules were framed under Section 49 (b) (i) as stated on page 28 of the Bye-laws and as that already stated any alteration or recission of a rule made by a Municipal Council require sanction of Government

He added that the ~~only~~ Section under which the Council gets the rule making power was Section 38 and that in his opinion every rule so made shall be under Section 49

Mr Mariappa said that in this Municipality where there was no Commissioner and there is the President appointed by Government, according to the Act as it stands, the residuary powers were with the Council He said that as definitely stated by the President himself the Council need not take the approval of Government even for the Budget, if the closing balance prescribed was maintained and so the Council was all powerful and powers to the President were only those delegated by the Council He added that the question of delegation comes only because the Councillors could not individually function He therefore said that under Section 38, the Municipal Council could delegate any of its powers to the President or Vice-President or any other Officer or Committee or any man paid by the Council There was one restriction to this he said, but that it applies only to a Municipality where there was a Municipal Commissioner

He stated that the President's views that he could exercise the powers of a Commissioner in all cases was not correct and that he could not always take himself to be the Commissioner, under the proviso to Section 49

The President said that if what Mr Mariappa said was correct the Council could withdraw all the powers of the President and delegate them to the Vice-President and make the existence of the President unnecessary

Mr Mariappa said it was possible to do so He continued that as explained, the resolution tabled by him was not inconsistent with the Act, that while delegating the power to the President no clause had been added that they would not be withdrawn and hence the powers that were delegated by the Council could be withdrawn by the same Council For example,

For example, he said, the President himself has withdrawn the powers delegated to the Vice-President and that on the same analogy those who are empowered to delegate powers were also powerful to withdraw them

The President drew attention of the House to Section 24 (2) reading as under

> '(1) Subject to the provisions of Chapters XIII and XIV, it shall be the duty of the President of a Municipal Council to
> xx xx xx
> (e) exercise supervision and control over the acts and proceedings of all Officers and servants of the Municipal Council in matters of executive administration and in matters concerning the accounts and records of the Municipal Council, and subject to the rules for the time being in force to dispose of all questions relating to the service of the said Officers and servants, and their pay privileges and allowances

and said that it was the duty of the President, as defined above to exercise supervision and control over the acts and proceedings of all officers etc and so the Council could not take away these powers of the President

Mr Mariappa said that even if powers delegated under Section 38 were withdrawn they could not withdraw the powers of the President under Section 24 of the Act and that they have not attempted to do so and that on that basis if the President said that the resolution was inconsistent with the Act he did not agree

The President said that at present delegation of powers was made under Section 49 (b) (2), page 28 of the Act and not under Section 38

Mr Mariappa pointed out that on page 28 of the Bye-laws and rules, framed under Section 49 (b) (i) it was stated that it was "in addition to all and any powers that are or may be delegated to any Municipal Officer or servant under the Regulation or these rules and Bye-laws, the President shall exercise the powers conferred on the Municipal Council "

The President said that when these rules were framed there was no Commissioner and it was only after the Act was amended enabling appointment of Commissioners the President was empowered notwithstanding anything contained in chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provision of this Regulation, exercise all the powers that may be exercised by a Municipal Commissioner in the Municipality xx xx "

Mr Mariappa said that the President could ~~exercise~~ exercise the powers of the Commissioner but he was distinct from a Commissioner

Mr Sitaramiah said that if at all they asked for anything it was for service and not to enjoy any power He continued that delegation of powers and rules regarding the delegation of powers were of one side and that they come only under Section 38 and that the rule making power comes in when the question as to how the power so delegated should be exercised He said when once they were delegated under Section 38 rules could be framed under that section so far as delegation was concerned

Mr Mariappa said that with regard to the question of the President he would draw attention of the House to Section 26, page 20 of the Act, which read as under

26 (1) It shall be the duty of the Vice-President of a Municipal Council to exercise such of the powers and perform such of the duties of the President as the President from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf

and asked whether it meant that the President should take the orders of Government while doing so

The President said that on a previous occasion when the President withdrew the powers of the then Vice-President, the matter went up to Government and that the Government approved of the action taken by the President

Mr Mariappa said that if that position was accepted "Special or General orders of Government" were necessary under Section 26

The President said that that was the reason why all rules were to be approved by the Government

Mr T Mariappa said that if once the rules were approved by the Government it could not be taken as a "Special order of Government" He continued that Section 49(b)(i) was only for the delegation of powers of the Council, to regulate the duties, what they have to do and how they have to do and all that had to be considered only if the Council wanted any power that had not already been given to it For example, he said, that if we wanted to - construct a house, license had to be taken only for the mode of its construction but not for permission to construct the house itself, as the President argues

The President said that he was not arguing at all but was only placing facts before them

Mr Mariappa said that if there was any provision in the Act to make rules with the approval of Government and then delegate those powers the position could be accepted but that there was nothing of the kind in the Act

On a perusal of the Act and Rules, he said it would be seen that the Council had delegated some powers to the Revenue Officer, some to the Municipal Engineer and so on, and have some powers themselves and that therefore the Council could withdraw the same if they wanted without making any rule for the purpose of withdrawal and approval of the same by Government So, the position was he said, that the Council has got all the powers and it had delegated to the President some of them and he was exercising them on behalf of the Council

The

The President said that filing of suits was best done by the President

Mr Mariappa pointed out that according to proviso (d) to Section 245 the President had to take the previous approval of the Council for that purpose and that even the Commissioner had some restrictions

Mr Sitaramiah said that in respect of Santhepet affair powers had been exercised under Section 51 (1) (x) only as President and not as a Commissioner and that therefore an appeal lies to the Council

Mr Mariappa said that on that point there was some conflict of authority

Mr P Sitaramiah drew attention to Section 24 (d) reading as under

> "24 (1) Subject to the provisions of Chapters XIII and XIV, it shall be the duty of the President of a Municipal Council to
>
> xx xx xx
>
> (d) subject to the provision of Section 38 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the Municipal Council over which he presides,"

The President said that under the Act the authority for laying down "Policies" was the Council and that he was the executive head and that because the Council was a representative body the powers to lay down policy was given to the Council He added that the entire executive responsibility was his and that there could be no division of responsibility in that matter

Mr Sitaramiah then continued saying that the President was one of the Members of the Municipal Council and he should always take the Council with him and the framers of the Act believed that he carries the Council always with him He said that the Council could delegate the powers to any officer and that there was no administrative difficulty also in delegating

them

them to the Vice-President and that in that view he proposes that the powers stated in the Resolution be withdrawn and delegated to the Vice-President

Mr B Narayanaswamy seconded the Resolution said that with great responsibility, the resolution had been tabled and that they had gone through the Act and rules thoroughly He said that under Section 38 powers may be delegated to President, Vice-President or stipendiary officers etc , and that while the Government have recognised under Section 22 (1) that the Municipal Government vested in the Municipal Council, Section 38 was only to carry on the duties properly by the different officers

It was to lessen the burden and responsibility of the President, he said, and to take up the responsibilities themselves - who are elected by and representing the public - that that resolution had been tabled and requested the House to support the same

Mr Agaram Rangiah said that the most important and the main object of their tabling the resolution was that on account of the President having too many duties owing to international situation and said that the President had to perform his duties being at Madras and moreover some of the non-official members wanted to take up these very important duties

In closing the debate Mr Mariappa said that even considering whether any technical supervision was required for any of the sections proposed to be delegated to the Vice-President there was none of the kind and formerly the Vice-President was looking after the Sewage Farm and after all the Health Officer had only to supervise the cleanliness of the place and that for the growth of the vegetables or plants his supervision or any technical advice was not required He said that the Health Officer had also got lot of other work in connection with the Sanitation of the City etc ,and if needed he might inspect the Sewage Farm and offer his suggestions regarding the disposal of Sewage and that they had no objection for the same He said that excepting

excepting administrative matters he could not do anything else

The President said that almost every week himself and the Health Officer were jointly inspecting the Sewage Farm and that the Health Officer had certainly a lot of technical work to do in the Sewage Farm itself

Mr Mariappa said that the Health Officer had no technical work to do there

Coming to the filing of suits, Mr Mariappa stated that the initiative was being taken in this behalf by the Revenue Officer himself and that he was furnishing the Schedule to the Municipal Advocate for filing of suits

The President said that a statement of cases over 3 years was being put up and orders of the President were being taken for filing suits in every case

Mr Mariappa said that during past times suits were being filed without verification of accounts even after the limitation

The President said that it was the duty of the Municipal Advocate to verify whether the limitation was over or not

Mr Mariappa said that in some cases, suits were filed on wrong persons Above all, he said that the President had as Mr Agaram Rangiah said, lot of emergency A R P work he had to attend to Maternity and Child Welfare, he was connected with the Ayurvedic and Unani College, he was connected with the War Fund etc , and having been entrusted with so many duties he could not be expected to carry on the Municipal work also and that to the satisfaction of the rate payers also, it was better to relieve the President of some of the duties specified in the Resolution

Proposed by Mr T Mariappa

Seconded by Mr B Narayanaswamy

"CARRIED'

PRESIDENT

NR3

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No

To The President, city-MC
cl Mysore

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to
your letter no G 7 1884
dated 17 2 42 forwarding
a copy of the resolution
no 548 passed at the
meeting of the MC held
on 4 2 42 in the
matter of investing the
vice President of the city
MC with all the
powers, duties &
executive functions of the
MC cl in respect of

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 0521—GPB—30 000—12 3 37

Recommended

Chief Department of the Navy
I am directed to state that
Sec 26 of the Reciprocal Trade Act 1933
read into rule 7 of the Navy
Civil Affairs governs the
delegation of the powers from
the President to the Secretary
Sec 3 of the Act has no bearing
on this point, the appropriate section being 4 9(a)
As the resolution is accordingly
ultra vires of the Act & the rule framed
thereunder, I am to state that Govt
regret that it Cannot be approved

I have etc
Hm
21/3/45
Leg Adviser
for Law Officer

2

Appendix F G—1]

SUBJECT

Section 1Cl

File No 135-41

Serial No 16

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 21 4 42

Signed by M Q Rao

List of enclosures

Copied by 18/4/42

Examined by

No L 10064

To

The President,
City Municipal Council,
Mysore

Sir,

With reference to your letter No G T 1884 dated 17 2 1942 forwarding a copy of the resolution No 528 passed at the meeting of the Municipal Council held on 4 2 1942 in the matter of investing the Vice President of the City Municipal Council with all the powers, duties and executive functions of the Municipal Council in respect of certain Departments of the Municipality, I am directed to state that these powers vest in the President of the Mysore City Municipality under the Mysore City Municipalities Act, by virtue of Section 24 clause (2), as there is neither a Chief Officer nor a Municipal Commissioner These statutory powers cannot be divested from him and delegated to the Vice President either under Section 38 or Section 49 clause (b) The delegation of such powers if at all can take place only under

WD 086—GPB—40 000—30 7 40

Section 26(1) and it is within the discretion of the President to delegate them to the Vice President under that section This resolution under Section 38 is virtually one passed under Section 49(b) and for the reasons mentioned above, the Government cannot accord sanction to this resolution

I have etc ,

Secretary to Govt ,
Law Department